

**AGENCY RESPONSES TO
DLS RECOMMENDATIONS AND ISSUES
FY2007 GOVERNOR'S ALLOWANCE
EXECUTIVE DEPARTMENT
BOARDS, OFFICES AND COMMISSIONS**

Recommended Actions

1. Delete two positions and reduce associated benefits within the Office of Minority Affairs (\$30,175 GF).

Response: We respectfully oppose this recommendation, as we believe that it is based upon a faulty premise. The OLA performance audit that recommended the creation of an audit function within GOMA did not recommend it as a temporary fix, but as an ongoing means for the State to cost-effectively address the absence of a monitoring and compliance function in the non-MDOT agencies. These are functions of vital importance to the success of the MBE program. The alternative to GOMA performing this function would be to have each of these State agencies add personnel to accomplish this function, which we believe would be a less cost-effective method that would provide less accountability.

2. Reduce funds for general fund grants within the Office of Crime Control and Prevention (\$680,206).

Response: We respectfully oppose this recommendation and do not understand how reductions of this magnitude can be justified solely "...in order to moderate growth." GOCCP cannot makeup for any of these proposed reductions from anywhere else in its budget.

- a. Baltimore City Foot Patrol (\$50,000)**
Baltimore City Community Policing (\$50,000)
Baltimore City Violent Crime Control (\$240,206)

These are direct grants to the Baltimore City Police Department. Governor Ehrlich has responded to a direct request from the City to restore funding levels for these grants to their FY 2004 levels, because City crime levels absolutely require all the help we can give. At average salary/fringe rates, these cuts, totaling \$340,206, would result in a loss to the City of approximately 5.3 sworn officers. GOCCP does not believe that the proposed cost-savings are justified in the light of the City's crime problem.

- b. Roper Victim Assistance Academy (\$49,500)**
Victim Information and Notification Everyday (VINE) (\$15,500)

The Academy trains personnel who work directly with victims of crime throughout the criminal justice system, while VINE is an integral part of the system that notifies crime victims of court dates and defendant incarceration and supervision status. Both are fixed cost contracts. These recommended reductions mean that one or both of these services to

victims of crime will have to be reduced (VINE) or eliminated (the Roper Academy, because the proposed one-third reduction in funding is too deep to allow for any reduction in the size of the program).

c. CSAFE (\$150,000)

Expansion of this very successful program has been requested by a number of would-be participants and is more than justified by crime rates. The recommended cuts will severely hamper such efforts. While there are 27 communities that would currently qualify for a competitive expansion grant, the recommended reduction will allow fewer than five (5) such sites to be funded.

d. Domestic Violence Unit Pilot Program (DVUP) (\$50,000)

This program pays for computer systems and data entry services that enable police dispatchers to verify the existence of protective orders to patrol officers who need probable cause to prevent further injury to victims of domestic violence. Funds are provided to 13 localities. GOCCP strongly recommends against reducing this invaluable protection for domestic violence victims.

e. Baltimore City States Attorney's Office – Prosecution of Gun Crimes (\$75,000)

The recommended reduction is approximately the salary and fringe total for one experienced prosecutor working on some of the 11,742 violent Part 1 UCR crimes reported in the City (2004; 2005 UCR data not yet available).

- 3. Adopt committee narrative regarding the submission of the Executive Department Quarterly Federal Fund Expenditure Report.**
- 4. Adopt committee narrative regarding the development of performance measures for the management of federal funds.**

Response: We strongly concur that improvements can and should be made in the process of reporting on the department's efficiency and effectiveness in the management of Federal Funds and commit to working with the OLA and DLS staffs towards the goal of establishing appropriate performance measures for inclusion in the budget document. We respectfully support the adoption of recommended action number 4.

- 5. Adopt committee narrative regarding the development of new performance measures for the Office of Crime Control and Prevention**

Response: We respectfully oppose this recommendation, as we believe that it is based upon a faulty premise. As is indicated in the Governor's budget document (p. I-185), the mission statement of the Governor's Office of Crime Control and Prevention is to **provide leadership and support efforts to**

prevent future victims by ensuring the collaboration of relevant agencies to ensure the coordination of State policy and grant funds to control, reduce and prevent crime, as well as support victims (emphasis added).

These duties, together with the Office's Federal responsibilities as State Administering Agency (SAA) for Federal justice assistance grants, are more accurately measured by performance indicia aimed at activities in fulfillment of the coordination, planning and fiscal roles. Indeed, the situation could not be otherwise, for several reasons. First, and for the above reasons among others, GOCCP has developed and maintains many performance measures other than those that can be displayed on one page in the budget document. Second, with 0.11% of Maryland's total public safety expenditures (Sourcebook of Criminal Justice Statistics, 2003 [Online]), GOCCP could reasonably be expected to have very little direct effect on crime statistics, but instead must work with and through other agencies. For this reason, the true measure of GOCCP's effort should be measures of collaboration and coordination. Third, the effects of such efforts, conservatively, would probably not be measurable until several years "down the road," and would be based upon crime statistics that are subject to too many variables for such causation to be provable.

Issues

1. Volunteer Maryland Special Fund Balance

Response: As is indicated in the audit report and our response thereto, Special Funds are raised and expended by Volunteer Maryland (VM) under the authority of both the annual State budget and its Federal grant (as an AmeriCorps sub-grantee of GOSV, Volunteer Maryland is required to raise non-State funds to meet its matching requirements: 15% of member support costs and 33% of program operating costs). These mandatory matching funds are raised through contributions ("site matches") from the agencies receiving the services of Volunteer Coordinators and other sources, and are used to partially fund the stipends and health benefits costs of the Coordinators throughout their service year. The fact that the VM program year spans several State fiscal years requires that unspent funds be carried over from one State fiscal year to the next. While it is true that the amount of Special Funds retained has grown larger than necessary to meet these obligations, beginning and ending fund balance information has been supplied to the budget committees each year and the use of VM Special Funds has been explicitly approved during the budget process annually for more than a decade.

Special Funds must be expended for the purpose for which they were received from their donors and may not, therefore, be reverted to the General Fund. To honor the commitment made to VM's donors, we have proposed a spending plan, as shown in the DLS analysis (p. 15), that shows how we propose to draw down the VM Special Fund balance to the minimum working level over a five-year period. You will note that General Funds in the FY07 Allowance have been cut almost in half (from \$162,454 in FY06) and remain at that reduced level during this multi-year course of action; Special Funds from the fund balance will make up the difference in the VM budget. We believe that the concurrence of the budget committees with this proposed approach both addresses the problem of the amount of Special Funds being retained and ensures the necessary legislative concurrence and oversight.

2. Changes to the Health Care Alternative Dispute Resolution Office

Response: The Health Care Alternative Dispute Resolution Office (HCADRO) was re-authorized and re-named under House Bill 2 of 2005, effective January 1, 2005. Since that time, the overall agency caseload has continued at approximately 600 to 700 cases filed annually. While the number of cases closed through Arbitration Panel decisions remains small, a significant number of cases are closed at HCADRO for either failure to file a Certificate of Qualified Expert or Lack of Prosecution (this includes many of the recent increase in the number of lower dollar-value cases filed by *pro se* litigants). Thus, to that extent, the HCADRO process is positively impacting the burden on the courts. Listed below are the numbers of cases closed at HCADRO from FY 2003 to FY 2007:

	<u>Actual</u> <u>FY 2003</u>	<u>Actual</u> <u>FY 2004</u>	<u>Actual</u> <u>FY 2005</u>	<u>Est.</u> <u>FY 2006</u>	<u>Est.</u> <u>FY 2007</u>
Non-Panel Closings at HCADRO	123	138	63	80	80

Cases that have not yet waived the arbitration process must still be docketed and paneled. At this time, there are approximately 12 to 15 cases going through the paneling process.

Over the past five years, HCADRO has become known as the single central repository for medical malpractice claims in the State, and the office is increasingly relied upon for medical malpractice histories. As indicated in the DLS analysis, in performing this important public service the office provided more than 1,900 copies of complaints in FY 2005, but the staff also responded to more than 7,500 requests for information concerning medical malpractice histories that were received via telephone, mail, email and facsimile. These requests come from the general public, doctors, health care facilities, the Maryland Board of Physicians and the licensing boards of other states, among others.

While the provision of information to the public concerning medical malpractice claims is a non-mandated function for HCADRO that barely existed more than five years ago, it has grown such that it currently accounts for approximately thirty percent of the agency's workload. The processing of cases, whether they are closed by panel decisions or administrative action or choose to waive arbitration, still accounts for the majority, approximately seventy percent, of the staff's time.